



# **CITY OF SANTA BARBARA**

## **CITY COUNCIL MINUTES**

### **REGULAR MEETING**

**May 20, 2008**

### **COUNCIL CHAMBER, 735 ANACAPA STREET**

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#### **CALL TO ORDER**

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:02 p.m. (The Finance Committee met at 12:00 p.m., and the Ordinance Committee met at 12:30 p.m.)

#### **PLEDGE OF ALLEGIANCE**

Mayor Blum.

#### **ROLL CALL**

Councilmembers present: Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Iya G. Falcone.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

#### **CEREMONIAL ITEMS**

1. Subject: Proclamation Declaring The Week Of May 17 - 23, 2008, As Safe Boating Week (120.04)

Action: Proclamation presented to Captain Steve McCullough, Santa Barbara Harbor Patrol; Petty Officer Chuck Reed, U.S. Coast Guard Marine Safety Detachment; Captain William Ravenscroft, U.S. Coast Guard Auxiliary Division; and Commander Richard Stull, U.S. Power Squadron.

2. Subject: Proclamation Declaring May 28, 2008, As Day Of The Young Scholar (120.04)

Action: Proclamation presented to Colette Hadley, Executive Director, Santa Barbara Scholarship Foundation.

## **PUBLIC COMMENT**

Speakers: Bubbha, David Wass, Leoncio Martins, Jeff Shaffer, Nancy Tunnell, Phil Walker, Fred H. Kuhlmann, Bret Hughes, Mr. Pennington, Floyd F. Meyer, and Bob Hansen.

## **CONSENT CALENDAR (Item Nos. 3 - 6, 8 – 16, 19 and 20)**

The titles of the resolutions related to the Consent Calendar were read.

### **Motion:**

Councilmembers Williams/Schneider to approve the Consent Calendar as recommended.

### **Vote:**

Unanimous roll call vote (Absent: Councilmember Falcone).

Due to a conflict of interest related to ownership of property proximate to the projects, Councilmembers Horton and House abstained from voting on Item No. 13, and Councilmember Schneider abstained from voting on Item No. 15.

### **3. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the special meeting and adjourned regular meeting of May 5, the regular meeting of May 6, and the special meeting of May 7, 2008.

Action: Approved the recommendation.

### **4. Subject: April 2008 Investment Report (260.02)**

Recommendation: That Council accept the April 2008 Investment Report.

Action: Approved the recommendation (May 20, 2008, report from the Finance Director).

### **5. Subject: Adoption Of The Revised Emergency Operations Plan (520.02)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the November 2007 Revisions to the City of Santa Barbara Emergency Operations Plan.

### **Speakers:**

Staff: Emergency Services Manager Yolanda McGlinchey.

Action: Approved the recommendation; Resolution No. 08-036 (May 20, 2008, report from the Fire Chief; November 2007 City of Santa Barbara Emergency Operations Plan; proposed resolution).

6. Subject: Used Oil Recycling Block Grant Application - Fourteenth Cycle (630.01)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Finance Director to Submit an Application to the State of California Integrated Waste Management Board for Fiscal Year 2009 Used Oil Recycling Block Grant - Fourteenth Cycle, in the Amount of \$23,549.

Action: Approved the recommendation; Resolution No. 08-037 (May 20, 2008, report from the Finance Director; proposed resolution).

8. Subject: Approval Of Map And Execution Of Agreements For 427 Alameda Padre Serra (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map No. 20,767 for a subdivision at 427 Alameda Padre Serra, finding the Parcel Map in conformance with the state Subdivision Map Act, the City's Subdivision Ordinance, the tentative subdivision map, and other standard agreements relating to the approved subdivision.

Action: Approved the recommendation; Agreement Nos. 22,819 and 22,820 (May 20, 2008, report from the Acting Public Works Director).

9. Subject: Contract For Construction For Zone 2 Pavement Preparation, Slurry Seal, And Construction Services (530.04)

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with Granite Construction (Granite) in their low bid amount of \$333,776, for construction of the Zone 2 Pavement Preparation, Bid No. 3529, and to approve expenditures up to \$33,378 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- B. Award and authorize the Public Works Director to execute a contract with Roy Allan Slurry Seal, Inc. (Roy Allan), in their low bid amount of \$1,364,239, for construction of the Zone 2 Slurry Seal, Bid No. 3530, and to approve expenditures up to \$136,423 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Flowers and Associates (Flowers), in the amount of \$177,900, for construction support services, and to approve expenditures of up to \$17,800 for extra services of Flowers that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 22,821 - 22,823 (May 20, 2008, report from the Acting Public Works Director).

10. Subject: Response To The Report Of The 2007-2008 Santa Barbara County Civil Grand Jury Entitled "Medical Marijuana Dispensaries: A Time For Regulation" (150.04)

Recommendation: That Council authorize the Community Development Director to provide the City Council's Response to the report of the 2007-2008 Santa Barbara County Civil Grand Jury entitled "Medical Marijuana Dispensaries: A Time for Regulation."

Action: Approved the recommendation (May 20, 2008, report from the Acting Community Development Director).

11. Subject: Notice Of Completion For The Neighborhood Traffic Management Project (530.05)

Recommendation: That Council accept the work completed by Souza and Petersen Construction Company, Inc. (Souza), Contract No. 22,561, for the Neighborhood Traffic Management Project (Project), Bid No. 3473, located at the intersections of Olive and Sola, Garden and Arrellaga, and Garden and Islay Streets, in the final contract amount of \$304,585.45, including approved changes, and approve filing of a Notice of Completion.

Speakers:

- Staff: Transportation Manager Browning Allen, Principal Engineer Joshua Haggmark.
- Members of the Public: Michael Self, Santa Barbara Safe Streets.

Action: Approved the recommendation (May 20, 2008, report from the Acting Public Works Director; May 20, 2008, list of project expenses, submitted by Michael Self).

12. Subject: Notice Of Completion For The Safe Routes To School Project (530.05)

Recommendation: That Council accept the work completed by Cinary Construction Company, Inc. (Cinary), Contract No. 22,562, for the Safe Routes to School Project (Project), Bid No. 3504, located at Quarantina and De La Guerra; Quarantina and Canon Perdido; Alta Vista and Anapamu; Alta Vista and Victoria; and Alta Vista and Sola intersections, in the final contract amount of \$512,997.33, including approved changes, and approve filing of a Notice of Completion.

Speakers:

- Staff: Transportation Manager Browning Allen, Principal Engineer Joshua Haggmark.
- Members of the Public: Michael Self, Santa Barbara Safe Streets.

Action: Approved the recommendation (May 20, 2008, report from the Acting Public Works Director; May 20, 2008, list of project expenses, submitted by Michael Self).

13. Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2008-2009 And Increase In Levy By Consumer Price Index For The Wildland Fire Suppression Assessment District (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Renew the Wildland Fire Suppression Assessment District Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Levy Assessments for Fiscal Year 2008-2009; and Establishing a Time of 2:00 P.M. on Tuesday, June 17, 2008, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment District.

Action: Approved the recommendation; Resolution No. 08-039 (May 20, 2008, report from the Fire Chief; proposed resolution; May 2008 Wildland Fire Suppression Assessment Engineer's Report).

14. Subject: Set A Date For Public Hearing Regarding Parking And Business Improvement Area Annual Assessment Report 2009 (550.10)

Recommendation: That Council:

- A. Approve the Parking and Business Improvement Area (PBIA) Annual Assessment Report 2009; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Parking and Business Improvement Area Assessment Rates for the 2009 Fiscal Year, at a Public Hearing to be Held on June 3, 2008, at 2:00 p.m.

Action: Approved the recommendations; Resolution No. 08-040 (May 20, 2008, report from the Acting Public Works Director; proposed resolution).

15. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Preliminary Approval For 1236 San Andres Street (640.07)

Recommendation: That Council set the date of July 22, 2008, at 2:00 p.m. for hearing the appeal filed by Paula Westbury of the Architectural Board Of Review Preliminary Approval of an application for property owned by Casas Del Parque, LLC, and located at 1236 San Andres Street, Assessor's Parcel No. 039-151-001, R-3 Limited Multiple-Family Residence Zone, General Plan Designation: Residential, 12 Units per Acre. The project proposes the demolition of all existing structures and the construction of four, two-story residential condominium units.

Action: Approved the recommendation (April 30, 2008, letter of appeal).

16. Subject: Set A Date For Public Hearing Regarding Appeal Of Fire And Police Commission Denial Of Application For Dance Permit At 509 State Street (520.01)

Recommendation: That Council:

- A. Set the date of July 29, 2008, at 2:00 p.m. for hearing the appeal filed by Wallace A. Ronchietto of the Fire and Police Commission denial of an application for the property located at 509 State Street. The project proposes the issuance of a dance permit to Bricks Cafe; and
- B. Set the date of July 28, 2008, at 1:30 p.m. for a site visit to the property located at 509 State Street.

Action: Approved the recommendations (May 8, 2008, letter of appeal).

Item Nos. 17 and 18 appear in the Redevelopment Agency minutes.

### NOTICES

- 19. The City Clerk has on Thursday, May 15, 2008, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 20. Cancellation of the regular City Council meeting of May 27, 2008, due to lack of a quorum.

This concluded the Consent Calendar.

### **ITEM REMOVED FROM CONSENT CALENDAR**

Councilmember Horton stated he would abstain from voting on the following item due to a conflict of interest related to his ownership of property proximate to the project.

- 7. Subject: Decision And Findings Resolution For The Approval Of The Santa Barbara Cottage Hospital Foundation Workforce Housing Project (640.07)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal and Upholding the Decision of the Architectural Board of Review's Preliminary Approval of the Site Plan and Project Design for the Santa Barbara Cottage Hospital Foundation Workforce Housing Project Located at 601 E. Micheltorena Street.

Documents:

- May 20, 2008, report from the Acting Community Development Director.
- Proposed Resolution.

The title of the resolution was read.

(Cont'd)

7. (Cont'd)

Motion:

Councilmembers House/Schneider to approve the recommendation;  
Resolution No. 08-038.

Vote:

Majority roll call vote (Noes: Councilmember Francisco; Abstentions:  
Councilmember Horton; Absent: Councilmember Falcone).

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Roger Horton reported that the Committee met to review the April 2008 Investment Report, which was approved by the Council as part of this Agenda's Consent Calendar (Item No. 4), and the Fiscal Year 2008 Third Quarter Review, which will be presented to Council as Agenda Item 23. The Committee also heard budget-related presentations on the Parks and Recreation Department Forestry program and on potential impacts of State, County and School District budget issues on public safety operations and the General Fund budget.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Das Williams reported that the Committee met to review a proposed model Santa Barbara Telecommunication and Video Users' Tax ordinance which will be presented to Council in the near future.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **COMMUNITY DEVELOPMENT DEPARTMENT**

21. Subject: Introduction Of Ordinance For Rezoning Of 319 N. Milpas Street  
(640.09)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Rezoning of Property in the Milpas Neighborhood.

Documents:

- May 20, 2008, report from the Acting Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.

The title of the Ordinance was read.

(Cont'd)

21. (Cont'd)

Public Comment Opened:  
2:52 p.m.

Speakers:

- Staff: City Planner Bettie Weiss, Associate Planner Peter Lawson, City Attorney Stephen Wiley.
- Applicant: Project Architect Brian Nelson.

Public Comment Closed:  
3:38 p.m.

Motion:

Councilmembers House/Horton to approve the recommendation.

Vote:

Majority voice vote (Noes: Councilmembers Schneider, Williams; Absent: Councilmember Falcone).

#### PUBLIC WORKS DEPARTMENT

22. Subject: Curb Your Commute - Traffic Solutions (530.05)

Recommendation: That Council receive a presentation from Traffic Solutions, a division of Santa Barbara County Association of Governments, regarding Curb Your Commute.

Documents:

- May 20, 2008, report from the Acting Public Works Director.
- Traffic Solutions Information Packet.

Speakers:

- Staff: Transportation Manager Browning Allen, Principal Transportation Planner Rob Dayton.
- Santa Barbara County Association of Governments Traffic Solutions Division: Director Kent Epperson.

By consensus, the Council heard the presentation.



## FINANCE DEPARTMENT

### 23. Subject: Fiscal Year 2008 Third Quarter Review (250.02)

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2008;
- B. Accept the Fiscal Year 2008 Interim Financial Statements for the Nine Months Ended March 31, 2008; and
- C. Approve the adjustments to appropriations and estimated revenues as shown in the Schedule of Recommended Third Quarter Budget Adjustments.

Documents:

May 20, 2008, report from the Finance Director.

Speakers:

Staff: Finance Director Robert Peirson, Accounting Manager Rudy Livingston.

Motion:

Councilmembers Horton/Schneider to approve recommendations B and C.

Vote:

Unanimous voice vote (Absent: Councilmember Falcone).

## **CHANGES TO THE AGENDA**

City Administrator James Armstrong advised that the following item would be deferred to a future meeting.

### 24. Subject: Conference With Real Property Negotiators (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54956.8 to provide direction to City Administration staff and the City Attorney regarding the possible disposition of the City real property commonly known as 319 West Haley Street. Property: 319 West Haley Street (Assessor's Parcel Number 037-192-012). City Negotiator: City Administrator's Staff and the City Attorney's Office. Negotiating Party: Work Training Programs, Inc. Under Negotiation: Price and terms of payment.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

(Continued from May 13, 2008)

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **Information:**

- Councilmember Williams provided the Council with a status report on the Cachuma Operation & Maintenance Board meetings in relation to funding efforts to prevent a quagga mussel infestation at Cachuma Lake.
- Councilmember Horton acknowledged the efforts of the Infrastructure Financing Task Force, stating that the members are highly qualified professionals assisting the City in examining unfunded capital needs.

## **RECESS**

Mayor Blum recessed the meeting at 4:47 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 25 and 26, and stated that no reportable action is anticipated.

## **CLOSED SESSIONS**

### **25. Subject: Conference With Real Property Negotiators (330.03)**

Recommendation: That Council hold a closed session to consider instructions to City staff and the City Attorney regarding real property negotiations with Sares-Regis Group regarding the potential leasehold disposition of property bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place, more particularly described as Parcel 22 of City Parcel Map No. 20,608, Assessor's Parcel No. 73-080-36 within the Airport property owned by the City. Negotiations will be conducted by Karen Ramsdell, Airport Director, Hazel Johns, Assistant Airport Director, David Gustafson, Acting Community Development Director, and Stephen P. Wiley, City Attorney, on behalf of the City of Santa Barbara pursuant to the authority of Government Code section 54956.8. Russ Goodman and Steve Fedde will negotiate on behalf of Sares-Regis Group.

Under negotiation: Lease terms and conditions.

Scheduling: Duration, 25 minutes; anytime

Report: None anticipated

### **Documents:**

May 20, 2008, report from the City Attorney.

### **Time:**

4:49 p.m. - 5:20 p.m. Councilmember Falcone was absent.

No report made.

26. Subject: Conference With Real Property Negotiators (330.03)

Recommendation: That Council and the Redevelopment Agency Board hold a joint closed session to consider instructions to its negotiators regarding real property negotiations for the possible lease of real property owned by the City of Santa Barbara and of real property owned by the Santa Barbara Metropolitan Transit District (MTD), to the Redevelopment Agency.

Instructions to negotiators will direct staff regarding the price and terms of a possible Redevelopment Agency leasehold of the MTD-owned property at 1020 Chapala Street, Assessor's Parcel No. (APN) 039-281-040, and the City-owned property at 9 West Figueroa Street, APN 039-281-041, and the subsequent lease by the Redevelopment Agency of both properties to a developer to develop the Transit Village project.

Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. Staff negotiators will be David Gustafson, Acting Community Development Director/Acting Agency Deputy Director, and Stephen Wiley, City Attorney/Agency Counsel. The MTD negotiator will be Sherrie Fisher, General Manager of MTD. Under Negotiation: Possible leasehold disposition.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

May 20, 2008, report from the Acting Community Development Director/Acting Deputy Director.

Time:

5:20 p.m. - 5:45 p.m. Council/Agency Member Falcone was absent.

No report made.

**ADJOURNMENT**

Mayor Blum adjourned the meeting at 5:45 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

_____ ATTEST: _____	
MARTY BLUM MAYOR	CYNTHIA M. RODRIGUEZ, CMC CITY CLERK SERVICES MANAGER